

13281 U.S.PTO  
040904

Attorney Docket No. GRAY-024/01US

PATENT

22859 U.S.PTO  
10/820707

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Patent Application  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

**NEW DIVISIONAL PATENT APPLICATION TRANSMITTAL  
UNDER 37 C.F.R. §1.53(b)**

This is a request for filing a divisional application under 37 C.F.R. §1.53(b) of pending Patent Application No. 10/056,093 filed on January 28, 2002, entitled APPARATUS AND METHOD FOR MAKING AN EAR WARMER AND AN EAR WARMER FRAME, by the following named inventor(s):

- (a) Full Name **Matthew ISOM**
- (b) Full Name **Brian E. LE GETTE**
- (c) Full Name **Alan TIPP**
- (d) Full Name **Justin Saul WERNER**
- (e) Full Name **Ronald L WILSON II**

[x] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference.

[ ] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. §1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

- (a) Full Name
- (b) Full Name
- (c) Full Name

1. Enclosed are:

- [ ] A copy of the originally filed U.S. Patent Application No. 10/056,093, filed January 28, 2002, entitled APPARATUS AND METHOD FOR MAKING AN EAR WARMER AND AN EAR WARMER FRAME, including:
  - [ ] ( ) pages of description (before the claims);
  - [ ] ( ) pages of claims (( ) total claims; ( ) independent claims);

- One () Sheet of Abstract;
    - () sheets of drawing(s) including Figures \_\_; and
    - copy of executed oath or declaration.
  - Application Data Sheet
- A revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application. The application including: (20) pages of specification (before the claims); (6) pages of claims ((22) total claims and (6) independent claims); (1) Sheet of Abstract, (15) sheets of drawing(s) including Figures 1-23; and copy of executed oath or declaration.
- Preliminary Amendment
- Letter to Official Draftsperson with (15) sheets of Formal Drawings (including Figures 1-23)
- Information Disclosure Statement Transmittal, Information Disclosure Statement, and PTO/SB/08A
- Assignment Recordation Form Cover Sheet and executed Assignment
- Assignment Recordation Form Cover Sheet with a copy of the Certified Copy of the Executed Certificate of Conversion
- CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
- Nucleotide and/or Amino Acid Sequence Submission
  - Computer Readable Form (CRF)
  - Specification Sequence Listing on:
    - CD-ROM or CD-R (2 copies); or
    - paper
  - Statements verifying identity of above copies
- Nonpublication Request and Certification
- Assertion of Entitlement to Small Entity Status
- A check in the amount of \$612.00
- Two (2) return receipt post cards

2.  Please amend the specification by inserting before the first heading the following paragraph:

3.  Cancel in this application original claims \_\_ of the prior application before calculating the filing fee.

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4. The filing fee has been calculated as follows [] and in accordance with the enclosed preliminary amendment:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$770.00
Total Claims	22	- 20 =	2	x \$18.00	\$36.00
Independent Claims	6	- 3 =	3	x \$86.00	\$258.00
If multiple dependent claims are presented, add \$290.00					
Total Application Fee					\$1,064.00
If an Assertion of Entitlement to Small Entity Status is enclosed, subtract 50% of Total Application Fee					\$532.00
Other fees: Assignment Recordation Fee					\$80.00
<b>TOTAL FEE DUE</b>					<b>\$612.00</b>

[ ] This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

[x] **A check in the amount of \$612.00 for the total fee is attached.**

[ ] Please charge \$ \_\_\_\_ to Deposit Account No. 50-1283 for the total fee. This paper is submitted in duplicate.

[ ] The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

5. [x] The Power in the prior application is to Cooley Godward LLP.

- [x] The Power appears in the original papers in the prior application.
- [x] The Power is enclosed.
- [x] Please direct all future correspondence concerning this application to:

COOLEY GODWARD LLP  
Attention: Patent Group  
One Freedom Square - Reston Town Center  
11951 Freedom Drive  
Reston, Virginia 20190-5656  
Tel: (703) 456-8000  
Fax: (703) 456-8100

CUSTOMER NUMBER: **022903**

Dated: 4/9/04

Respectfully submitted,

Cooley Godward LLP  
Attention: Patent Group  
One Freedom Square - Reston Town Center  
11951 Freedom Drive  
Reston, Virginia 20190-5656  
Tel: (703) 456-8000  
Fax: (703) 456-8100

COOLEY GODWARD LLP

By:



Timothy D. Ford  
Reg. No. 47,567

Attorney Docket No. GRAY-024/01US

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Matthew ISOM et al.

Serial No.: Unassigned

Examiner: Unassigned

Confirmation No.: Unassigned

Art Unit: Unassigned

Filed: April 9, 2004

For: APPARATUS AND METHOD FOR MAKING AN EAR WARMER AND AN  
EAR WARMER FRAME

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**LETTER TO OFFICIAL DRAFTSPERSON**

Attached are fifteen (15) sheets of formal drawings (Figs. 1-23) in connection with the  
above-identified application.

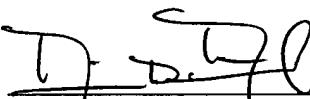
Dated: 4/9/04

Respectfully submitted,

Cooley Godward LLP  
ATTN: Patent Group  
One Freedom Square  
Reston Town Center  
11951 Freedom Drive  
Reston, VA 20190-5656  
Tel: (703) 456-8000  
Fax: (703) 456-8100

**COOLEY GODWARD LLP**

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